

REMARKS

Claims 1-19 are pending in the instant application. Claims 1-19 have been rejected by the Examiner. Claims 1, 9, 12, 14, 16 and 18 have been amended. The Applicants submit that claims 1-19 are in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

Support for Claim Amendments

Claim 1 has been amended. Support for the amendment can be found throughout the specification and figures. Figure 1, for example, shows a host system—ref. 102—as described in paragraph [0020]. No new matter was entered.

Claim 9 has been amended. Support for the amendment can be found throughout the specification and figures. Figure 1, for example, shows a computer processor including a server—paragraph [0020], host system 102 comprises a server 110 (paragraphs [0020]-[0022]), and computer processing device (paragraph [0051]). No new matter was entered.

Claims 12, 14, 16 and 18 have been amended to depend from claim 10 as opposed to claim 9. No new matter was entered.

Claim Rejections Under - 35 USC §112

Claims 12-19 have been rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

Claims 12, 14, 16 and 18 have been amended to depend from claim 10 rendering the rejection moot. The Applicants respectfully request reconsideration and withdrawal of the rejection.

Claim Rejections Under - 35 USC §101

Claims 1-4 have been rejected under 35 U.S.C. §101 as allegedly describing a process without an obvious tie to another statutory class. Claim 1 has been amended to incorporate a host system thereby rendering the rejection moot. The Applicants respectfully request reconsideration

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and withdrawal of the rejection.

Claims 9-19 have been rejected under 35 U.S.C. §101 as allegedly reciting a means that can be interpreted as software. Claim 9 has been amended to incorporate a computer processor including a server, thereby rendering the rejection moot. The Applicants respectfully request reconsideration and withdrawal of the rejection.

Claim Rejections Under 35 USC §103

Claims 1, 3, 5, 7, 9-10, and 14-17 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 6,081,810 to Rosenzweig et al. (hereinafter “Rosenzweig”), in view of U.S. Patent Application No. 2002/0147668 to Smith et al., (hereinafter “Smith”), further in view of U.S. Patent No. 7,430,517 to Barton.

Claims 2, 6 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,081,810 to Rosenzweig, in view of Smith, further in view of Barton and in further view of U.S. Patent Publication 2004/0073434 to Volquardsen et al., (hereinafter “Volquardsen”).

Claims 4 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rosenzweig, in view of Smith, further in view of Barton and further in view of U.S. Patent No. 6,640,143 to Lee, Jr. et al., (hereinafter “Lee”).

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Rosenzweig, in view of Smith, further in view of Barton and further in view of U.S. Patent Publication No. 2004/0186763 to Charles Smith, (hereinafter “Charles”).

Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over Rosenzweig, in view of Smith, further in view of Barton and further in view of Charles and in further view of Lee.

Claim 18-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rosenzweig, in view of Smith, further in view of Barton, in view of U.S. Patent No. 5,799,286 to Morgan et al. (hereinafter “Morgan”).

With regard to claim 1, the Examiner states that Rosenzweig teaches “providing a requester with a template only if said requester is authorized to receive said report,” citing figures 5a-5f and paragraphs [0046]-[0047] and [0059]-[0063] in support. Rosenzweig however, teaches

controlling access to the database connections (“controls access by the users to the database,” Rosenzweig Col. 4, lines 44-46) and verifying user authorization to access a report (“determine whether the user, who has previously entered a user identification number for purposes of login, is authorized to have access to the report data requested,” Rosenzweig Col. 4 Lines 54-57). Rosenzweig therefore teaches authorization before a user can access the “data” or the “database” as opposed to verifying authorization before “providing a requester with a template.” There is nothing in Rosenzweig, Smith, and Barton, either alone or in combination that limits access at the template level. Therefore, for at least that reason, claim 1 is allowable.

The combination of Rosenzweig, Smith, and Barton do not teach, suggest, or render obvious claim 5 for at least the same reasons as those stated in claim 1. Therefore, for at least that reason, claim 5 is allowable.

The combination of Rosenzweig, Smith, and Barton do not teach, suggest, or render obvious claim 9 for at least the same reasons as those stated in claim 1. Therefore, for at least that reason, claim 9 is allowable.

Claims 3, 7, 10 and 14-17 are believed to be allowable for at least the reason they depend from what should be an allowable base claim.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

The Examiner asserts that Rosenzweig, Smith, Barton and Volquardsen can be combined to teach or render obvious the features recited in claims 2, 6 and 11. In particular, the Examiner points to FIGs. 18b-20 of Volquardsen to disclose “retrieving model-based ordering system data when said report type is a model report; wherein said compiling a report using said at least one order and said budget data includes compiling a report using said model-based order system

Even assuming that all elements of an invention are disclosed in the prior art, which they are not, an Examiner cannot establish obviousness by locating references that describe various aspects of a patent applicants’ invention without also providing evidence of the motivating force which would have impelled one skilled in the art to do what the patent applicant has done. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. Int. 1993). The references, when viewed by themselves and not in retrospect, must suggest the invention. *In Re Skoll*, 187 U.S.P.Q. 481 (C.C.P.A. 1975). In this case, there is no teaching in the cited art to combine the references in an attempt to produce the claimed invention. The Examiner states that one of ordinary skill in the art would have modified Rosenzweig, Smith and Barton with Volquardsen “because incorporating model data with budget and order information would provide more [a] detailed expense report for [the] company’s budget analysis.” Rosenzweig is directed to a system for storing and retrieving reports from a computer database. (Abstract). Smith is directed to a system for job-based accounting. (Abstract). Barton is directed to a “network-based marketing system ...which allows user to obtain real-time, single-source LTL freight services.” (Abstract). In contrast, Volquardsen is directed to “a method, system and apparatus for estimating damage susceptible of [sic] paintless dent removal.” (Abstract). Figures 18b-20 describe part numbers for automobile parts and the model number of the vehicle. There is nothing in any of the figures or the entirety of the Volquardsen that would motivate one of ordinary skill in the art to combine a “a method, system and apparatus for estimating damage susceptible of [sic] paintless dent removal” to the other references cited by the Examiner simply because Volquardsen contains the phrase model. Furthermore Volquardsen references only two reports displayed in figures 17-18b. (Paras. [0050]-[0051]). These reports are based on a specific vehicle and a specific damage event and not “using said model-based order system data.” (Volquardsen, Para. [0139]). Accordingly, one skilled in the art would not have been motivated to use the paintless dent removal susceptibility model of Volquardsen with Rosenzweig, Smith and Barton.

In the Office Action dated March 16, 2009, the Examiner rejected Applicants’ claims 4 and 8 under 35 U.S.C. 103(a) as being unpatentable over Lee. Reconsideration and allowance of claims 4, and 8 is respectfully requested in view of the following remarks.

For applications filed on or after November 29, 1999, this rejection may be overcome by

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showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See 35 U.S.C. 103 (c), MPEP 706.02(I)(1) and 706.02(I)(2). As noted in the clear and conspicuous statement below, Application serial number 10/801,845 and U.S. Patent No. 6,640,143 were, at the time the invention of Application serial number 10/801,845 was made, subject to an obligation of assignment to the Bellsouth Intellectual Property. Therefore, Lee (U.S. Patent No. 6,640,143) is now disqualified as prior art and must not be used in a 35 U.S.C. 103(a) obviousness rejection. Accordingly, the various rejections of claims 4 and 8 under 35 U.S.C. § 103(a) should be withdrawn.

With regard to claim 12 the Examiner states that Charles teaches “wherein said timeliness report includes information relating to overall ordering, engineering, and installation processes that transpire between an enterprise and its vendors and contractors,” citing figure 10 of Charles in support. The Examiner points to a “procedure column” in the report to teach “information relating to ... engineering.” FIG. 17A displays the column without being obstructed by the menu of FIG. 10. In FIG. 17A the column is actually labeled project description. The project description is the name of the project and does not teach “information relating to ... engineering,” as evidenced by the actual data listed in the column. Note, for instance, the complete listing of FIG. 17A containing only addresses and the various listings of FIG. 10 including *inter alia* “LIBRARY RENOVATIONS,” “RAQUET CLUB CHIMNEY”, and “RENOVATIONS @ 4768 & 4769.” Therefore, for at least that reason, the combination of Rosenzweig, Smith, Barton and Charles do not teach or render obvious claim 12. The Applicants respectfully request reconsideration and withdrawal of the rejection.

Claim 13 is believed to be allowable for at least the reason that it depends from what should be an allowable base claim.

CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicant.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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